

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROBERT L. MARTIN,

Plaintiff

v.

C-1-12-281

GARY MOHR, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 4) to which neither party has objected. The Magistrate Judge recommended that plaintiff's claims against defendants Gary Mohr, Timothy Brunsman, Shay Harris, Tom Schweitzer, Lora Satterthwaite, Dan Hudson, Ben Dunn, Richard Huggins and John Doe highway patrol investigator be dismissed on the ground that they fail to state a claim upon which relief may be granted under 42 U.S.C. § 1983.

CONCLUSION

Upon a *de novo* review of the record, the Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 20). Plaintiff's claims against defendants Gary Mohr, Timothy Brunsman, Shay Harris, Tom Schweitzer, Lora Satterthwaite, Dan Hudson, Ben Dunn, Richard Huggins and John Doe highway patrol investigator are DISMISSED on the ground that they fail to state a claim upon which relief may be granted under 42 U.S.C. § 1983. Plaintiff has alleged sufficient facts to state a claim for deliberate indifference to serious medical needs and for withholding plaintiff's outgoing mail and magazine subscriptions and plaintiff's Eighth Amendment claim against John Doe dentist and First Amendment claims against defendants Brian Bendel, Casey Barr and J.T. Hall may proceed.

This case is RECOMMITTED to the United States Magistrate Judge
for further proceedings according to law.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court